

Mr. Marx,

First off, a thank you for considering all the public comments and ensuring that our safety is maintained.

We have always been against the location of the proposed Gardner Intermodal Facility, in regards to health issues, environmental issues, traffic, and property values. We understand transportation need and that intermodal facilities are needed. Our primary concern is the location and the effects on the surrounding area. It must be made to be as safe as possible. We are requesting that a full Environmental Impact Statement (EIS) be completed to show the true impact of this project on Johnson County, surrounding counties, Kansas City and the Hillsdale Watershed. This EIS should consider the full impact of the logistics park, in addition to the intermodal facility (IMF).

We would also request a Health Risk Assessment, particularly in consideration of air quality and the location of the schools. Air quality samples taken at the Argentine site are not on the ground monitors, nor is that facility of comparable size to the proposed Gardner IMF, therefore, the projected emissions are severely underestimated in the EA.

BNSF does not need water on site for the IMF, an alternative site should be further pursued that does not destroy wetlands or have runoff direct into the watershed.

The comment period should be extended and residents from surrounding areas, not just Gardner should be informed of the need to comment. This is not a Gardner or Edgerton issue, it is a Kansas City and all surrounding communities issue. Truck traffic through the city will greatly increase and appears to be underestimated in the EA. It is taxpayer money to maintain the roads, and everyone should be aware of the impact.

The economic factor not known is our property values. We have had 2 neighbors try to sell their homes, every interested buyer of those homes, has backed out of the deal due to the intermodal project. One of our neighbors Mic and Donna Haynes actually had a contract and buyers cancelled contract as soon as they found out about the intermodal. So in essence, we can't leave, even though we may want to. So, if we lose \$300,000.00 in property value, solely because of the intermodal, what is our recourse? Does BNSF make up that difference?

HDR's primary client appears to be the railroad. So what incentive do they have to not make a site favorable?

- Out of HDR's total revenues, what is the amount of the railroad contribution to this? Is this not a conflict of interest?
- How many EA's has HDR done for railroad/BNSF that have not come back favorable for the railroad?
- What HDR office conducted the EA? Are the employees that conducted the EA familiar with the local geographic concerns?

What role does the Federal Railroad Administration (FRA) have in this process? Is it correct that the FRA should review the alternative and offer comments on the technical feasibility and overall need for the Intermodal Facility (IMF)? Particularly if there are TIGER grant funds involved?

If the FRA will administer ARRA funds then the FRA should be the lead agency for the EA.

We request that a full Section 4(f) evaluation be completed and approved by the FHWA to address impacts to public parks, recreation, historic and wildlife refuge properties. Milldale Farms and Big Bull Park are directly affected by the proposed IMF. We request that a study be completed detailing the impact on these two county and state funded parks.

The project description in the EA states that the IMF facility will likely be phased due to lack of funding. The type, location, and magnitude of impacts are different for a partial project as compared to the completed IMF project. We request that due to phasing, an analysis is completed of the phasing especially for impacts to traffic (how will traffic patterns be affected in each phase? air quality and natural resources, as well as to identify and describe remaining impacts if only partial mitigation measures are constructed during each phase.

We request that a funding analysis be included, as the EA needs to identify appropriate use of federal funds, and identify what private funds will be committed. The ARRA requires full disclosure and reporting of funding commitments which is currently lacking in the EA document.

The selection for the site at Gardner, as opposed to Wellsville, is clearly related to the location of the logistics park. We request that the benefits of having an IMF located adjacent, or in close proximity, to the logistics park be disclosed as a factor in the selection process. This is a direct positive impact for BNSF and not the overall project.

Will the elimination of seven public at-grade crossing push traffic to other intersections, resulting in substantial out of direction travel for local residents and decreasing intersection LOS? How was this addressed in the EA?

Regarding Sections 3.7 and 4.9, Roadways and Traffic, should the standard be LOS C, as most intersections currently operate at LOS C or better even during peak periods? The standard used in the EA of LOS D appears to be too low. What is the LOS today in comparison to the future IMF development and warehouse buildout? The project should mitigate the difference in LOS now rather than waiting for LOS D condition to arise in future.

Regarding Section 404 (b) (1): the evaluation does not demonstrate why the Corps of Engineers (COE) has determined that the Gardner alternative is the Least Environmentally Damaging Practical alternative (LEDPA). According to the COE, the LEDPA alternative analysis must be fair, balanced and objective “and not used to provide a rationalization for the applicant’s preferred result (ie that no practicable alternative exist), Yet the 404 only refers back to Chapter 2 of the EA, which does not evaluate alternative based on the criteria of “practicability” and “Environmental impact”. Without the LEDPA analysis, isn’t this 404 (b) (1) deficient? Please explain. Please explain why the Gardner alternative is the Least Environmentally Damaging Practical Alternative?

How does performing an EA as opposed to an EIS for a project of this magnitude fit within the COE’s very own definition of what requires an EA but not necessarily an EIS?

As this project has been delayed many times, and most recently put on hold by BNSF due to economic reasons, does not the fact that it is immediately reinstated upon possibility of federal funding, lend to the fact that this is being pushed through solely for the financial gain of BNSF? Return on investment should not be a consideration in the EA, but it is clear that without the federal money, BNSF was ready to put it on hold indefinitely. Therefore, pursuing it now only means financial gain for BNSF, and to have that financial gain, they need the logistics park, which then leads to the Gardner site being more desirable, but not necessarily having less environmental impact.

Section 2.2.1: BNSF operation cost savings should not be an issue. Please address the direct and indirect costs to Gardner, lost property values in surrounding homes, and costs to county and state.

Section 3.5, where does the 1500 foot buffer come from? Why isn’t the area being considered reflect the true area being impacted? The project is substantially bigger than 1500 ft. Has there been a comparison of actual benefits versus true costs, including impacts? Is job creation going to have people move to Gardner or just drive from KC? The IMF is the driver in creating future development and that future development must then be reflected in the assumptions.

Section 3-29 How are standard BMP’s going to stop contaminants from reaching the water supply? How is the project planning to mitigate surface and ground water contamination? What happens to water supply if ground water is contaminated and moves towards lake? How is project mitigating additional run off generated from the greater impervious areas?

How is the project planning to mitigate noise and lighting? We live outside of town to enjoy dark skies at night and would prefer to not have unwanted light. Can project provide downward facing light fixtures? Can the project provide a noise wall surrounding facility to reduce noise?

Please have BNSF consider using hybrid locomotives in the yard to reduce noise and air pollution.

Section 4.0 Cumulative effects seems skewed toward Gardner. Shows positive benefits for the railroad and not the overall benefit to the project. (cost savings to BNSF) . Why is Wellsville, with less population, a more significant impact? Why is Ottawa not evaluated as an alternative?

What is the definition of “significant impact”? Does it mean adversely affecting 10 lives? 100 lives? Is a certain amount of contamination of drinking water considered okay and not a “significant impact”? What is the level of air pollution that is allowed to not be considered a “significant impact”? What is the level of light and noise pollution allowed to not be considered a “significant impact”? Are there studies regarding respiratory illnesses around facilities such as these that are considered into “significant impact”? How many new cases of asthma or cancer are considered a significant impact?

The EA is also based on use of Gardner’s wastewater and storm sewer system, yet the contract between Gardner and BNSF/Allen Group has been rescinded. Without use of Gardner’s water system, what is the new proposal? There is no current proposal, plan, or contract, does that make this permit void? Even with using Gardners, was a study completed that identified that the storm sewer system was sufficient to handle the amount expected from the IMF?

From BNSF’s report, trains will block 199th at 56 Hwy 20 out of 24 hours a day. This is where fire, ambulance, and police response comes from for many residents of this area. Please conduct a study detailing how this will impact emergency response to this area. How will we be ensured our safety with a rapid response time? This will also affect access to Mildale farms and Big Bull Park.

Thank you for your consideration and response.

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